

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 MUR 6070 ) CASE CLOSURE UNDER THE  
 LYLE LARSON FOR CONGRESS AND ) ENFORCEMENT PRIORITY  
 ERNESTO ANCIRA AS TREASURER ) SYSTEM

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated [ ]

[ ] are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6070 as a low-rated matter.

In this matter, the complainant, Brian Wolff representing the Democratic Congressional Campaign Committee, alleges that the Lyle Larson for Congress Committee, candidate Lyle Larson, and Ernesto Ancira, in his official capacity as treasurer (collectively, the "Committee"), violated the disclaimer provisions for televised communications under 2 U.S.C. § 441d(d)(1)(B)(ii). Specifically, the Committee allegedly failed to include a written disclaimer in its televised commercial indicating that the candidate approved the communication.

The Committee responded by noting that it had contacted Commission staff prior to running its commercial and was informed that the written disclaimer "Paid for by Lyle Larson for Congress" was acceptable. Thus, the Committee ran the commercial without using the written phrase "approved by" the candidate. Immediately following the commercial, the Committee learned from the press that its written disclaimer was inadequate.

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The Committee claims that it again contacted Commission staff concerning the requirements for its disclaimer and was then informed that the information it previously received was incorrect. Thereafter, the Committee took corrective action within 24 hours of its contact with the Commission.

Given the Committee's expeditious corrective action, it appears that the impact on the process, if any, was *de minimus*. Accordingly, in considering the Commission's priorities and resources relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss this matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

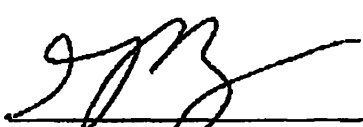
#### RECOMMENDATIONS

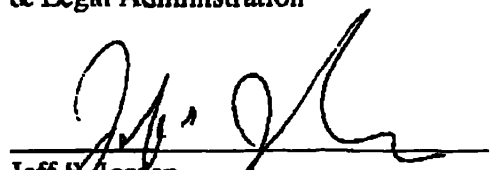
The Office of General Counsel recommends that the Commission dismiss MUR 6070, close the file, and approve the appropriate letters.

Thomaseia P. Duncan  
General Counsel

5/19/09  
Date

BY:

  
\_\_\_\_\_  
Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
\_\_\_\_\_  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration